

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

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|----------------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. 4:02CR00147-001 |
| |) | |
| Plaintiff, |) | JUDGE: JAMES S. GWIN |
| |) | |
| vs. |) | ORDER |
| |) | |
| MICHAEL T. BELL, |) | |
| |) | |
| Defendant. |) | |

This matter was heard on August 28, 2017 upon the request of the United States Pretrial and Probation Office for a finding that defendant violated the conditions of supervised release. The defendant was present and represented by Attorney J. Gerald Ingram. The defendant knowingly and voluntarily waived his right to preliminary hearing and admitted to violating the terms of his supervision. Upon defendant's admission, the Court found that the following terms of supervision had been violated:

- 1) new law violation incurred November 14, 2016;
- 2) new law violation incurred January 17, 2017;
- 3) association with someone engaged in criminal activity;
- 4) association with someone engaged in criminal activity;
- 5) unauthorized use of drugs;
- 6) failure to make good faith effort to make fine payments.

The Court considered argument from counsel concerning the grade of the most serious violation, the new law violation incurred November 14, 2016. Upon review of the exhibits, the Court found the vehicle's path insufficient to constitute a deadly weapon. The Court found the violations to be Grade C and that defendant was a Criminal History Category IV. The government then orally moved for an upward variance in sentencing.

Upon consideration of statements from counsel and the defendant, the Court granted the government's motion for an upward variance in light of the serious nature of the offense.

Defendant committed to the custody of the Bureau of Prisons for a term of 18 months to be served consecutive to any state term of incarceration. Upon release from incarceration defendant placed back on supervised release for a period of two years under the same conditions previously imposed.

The defendant is remanded to the custody of the U.S. Marshal, Cleveland, Ohio.

IT IS SO ORDERED.

Dated: August 29, 2017

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE